

United States District Court

FILED

JUN 10 2008

WESTERN DISTRICT OF TEXAS

 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY [Signature]
 DEPUTY CLERK

UNITED STATES OF AMERICA

V.

JOSEPH MARTIN STEPHENS

CRIMINAL COMPLAINT

CASE NUMBER:

7:08-M-00134-1

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 15, 2008 in Midland county, in the Western District of Texas, defendant(s) did, (Trace Statutory Language of Offense)

unlawfully possess a firearm or ammunition, which had been shipped or transported in interstate or foreign commerce, after having been convicted of a crime punishable by imprisonment for a term exceeding one year.

in violation of Title 18, United States Code, Section(s) 922(g)(1).

I further state that I am a(n) Midland Police Officer and that this complaint is based on the following facts:

Official Title

See attached affidavit.

Continued on the attached Sheet and made a part hereof:

☒ Yes ☐ No

Sworn before me and subscribed in my presence,

June 10, 2008

Date

L. Stuart Platt
U.S. Magistrate

Name and Title of Judicial Officer

at Midland, Texas

City and State

[Signature]
 Signature of Complainant

[Signature]

Signature of Judicial Officer

AFFIDAVIT

I, Sean Sharp, a Detective with the Midland Texas Police Department, (MPD), being duly sworn state:

1. I have successfully completed extensive training emphasizing narcotics investigation and law enforcement. I have been employed by the Midland Texas Police Department as a police officer and detective for approximately 5 years. I have received extensive training pertaining to the investigation of narcotics violations provided by the United States Drug Enforcement Administration further I have participated in numerous narcotics investigations involving firearms violations. In addition, I have attended multiple courses of training provided by the Texas Gang Investigators Association dealing with organized crime and narcotics trafficking.
2. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation referred to in this affidavit and information summarized in reports I have reviewed. I have compiled information derived from numerous discussions with experienced law enforcement officers, and detectives of the Midland Police Department. Since this complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known by me in the investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause. Based on the facts cited in the body of this affidavit, I believe that probable cause exists that **Joseph Martin Stephens** D.O.B. 3 /1/1971 who having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense of Burglary of a Habitation on 10/17/91, did knowingly and intentionally possess several firearms to wit: a .50 Caliber Rifle Serial: X002707 (L.A.R. Inc., Made in West Jordan UT), .270 Remington Model 700 Rifle Serial: B6362257 (Remington, Made in Ilion

NY), .30-06 Rifle Serial: 19820 (Winslow Arms, Made in Belgium), 8mm Rifle Serial: 7228 (German Unknown Mfg.), 7mm Rifle Serial: 4267 (FN, Made in Belgium), .223 Caliber Assault Rifle Serial: F066839K (DPMS, Made in St. Cloud MN), 12 ga. Remington 870 Shotgun Serial: D934957M (Remington, Made in Ilion NY), 7mm Rifle Serial: 26835 (BNP, Made in England), .308 Caliber Rifle, Serial: 781-73054 (Ruger, Made in Southport Connecticut), 5.56mm Assault Rifle, Serial: US104029 (Armalite, Made in Geneseo IL), 7.62X39 Assault Rifle, Serial: KP370876 (Arsenal, Made in Bulgaria), 5.56mm Assault Rifle, Serial: US42058 (Armalite, Made in Geneseo IL), .22-250 Remington Model 700 Rifle, Serial: S6284182 (Remington, Made in Ilion NY), .40 Caliber Pistol, Serial: ABD368 (Glock, Made in Austria), 9mm handgun, Serial: B279275 (Sig Sauer, Made in Exeter NH), .40 Caliber handgun, Serial: 33312106 (Magnum Research, Made in Israel), 9mm handgun, Serial: 245PT01587 (Browning, Morgan UT), 9mm handgun, Serial: AB11777 (Sig Sauer, Made in Exeter NH), 9mm handgun, Serial: GXL857 (Glock, Made in Austria), and also a .357 Caliber Revolver, Serial: 172-17193 (Ruger, Made in Southport Connecticut), which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g) (1).

3. On 5/14/08 at approximately 2148 hours, officers K. Angell and J. Fain were dispatched to 5005 Canterbury in reference to a disturbance between Joseph Stephens and Deanna Stephens. Upon arrival the two investigated the disturbance and determined that it was only a verbal altercation. However, during the initial investigation Officer Angell discovered a small quantity of marijuana in the kitchen in plain view. The two officers informed the Stephens' of their finding and were able to gain consent both orally and in writing to search the rest of the residence.

During this search, the following firearms were located throughout the residence:

- 1) .50 Caliber Rifle Serial: X002707 (L.A.R. Inc., Made in West Jordan UT)
- 2) .270 Remington Model 700 Rifle Serial: B6362257 (Remington, Made in Ilion NY)
- 3) .30-06 Rifle Serial: 19820 (Winslow Arms, Made in Belgium)
- 4) 8mm Rifle Serial: 7228 (German Unknown Mfg.)
- 5) 7mm Rifle Serial: 4267 (FN, Made in Belgium)
- 6) .223 Caliber Assault Rifle Serial: F066839K (DPMS, Made in St. Cloud MN)
- 7) 12 ga. Remington 870 Shotgun Serial: D934957M (Remington, Made in Ilion NY)
- 8) 7mm Rifle Serial: 26835 (BNP, Made in England)
- 9) .308 Caliber Rifle, Serial: 781-73054 (Ruger, Made in Southport Connecticut),
- 10) 5.56mm Assault Rifle, Serial: US104029 (Armalite, Made in Geneseo IL)
- 11) 7.62X39 Assault Rifle, Serial: KP370876 (Arsenal, Made in Bulgaria)
- 12) 5.56mm Assault Rifle, Serial: US42058 (Armalite, Made in Geneseo IL)
- 13) .22-250 Remington Model 700 Rifle, Serial: S6284182 (Remington, Made in Ilion NY)
- 14) .40 Caliber Pistol, Serial: ABD368 (Glock, Made in Austria)
- 15) 9mm handgun, Serial: B279275 (Sig Sauer, Made in Exeter NH)
- 16) .40 Caliber handgun, Serial: 33312106 (Magnum Research, Made in Israel)

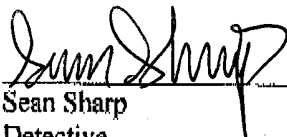
- 17) 9mm handgun, Serial: 245PT01587 (Browning, Morgan UT)
- 18) 9mm handgun, Serial: AB11777 (Sig Sauer, Made in Exeter NH)
- 19) 9mm handgun, Serial: GXL857 (Glock, Made in Austria)
- 20) .357 Caliber Revolver, Serial: 172-17193 (Ruger, Made in Southport Connecticut)

It should be noted that there was more marijuana located throughout the residence also.

After locating the weapons the officers read Mr. Stephens the Miranda rights and he stated that he understood them. During this interview (occurred at approximately 0022 hours on 5/15/08) Stephens stated that the guns located in the residence were in fact his. He stated that he possesses them for hunting and other recreational purposes. He acknowledged that he was convicted of a felony (Burglary of a Habitation) and completed his probation for the offense. Stephens claimed that he purchases the firearms at gun shows in various places because they do not perform a background check. It should be noted that this interview was recorded on Officer Fain's in car system. A copy of this interview was submitted into evidence. All of the firearms were logged into Midland Police Department Evidence also.

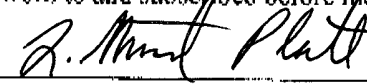
On 5/21/08 at approximately 1130 hours, Detective Sharp performed a function test on each of the above-mentioned firearms in MPD evidence. The test consisted of operating the action of each weapon and ensuring that the firearm would dry fire. The guns were not actually fired. All of the firearms were operational during this test.

- 4. Based on my training, expertise and experience, I believe **Joseph Martin Stephens** who having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely for the felony offense of Burglary of a Habitation on 10/17/91, did knowingly and intentionally possess a firearm, which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g) (1).


Sean Sharp
Detective
Midland Police Department

6/10/08
Date

Sworn to and subscribed before me in my presence.


L. Stuart Platt
United States Magistrate Judge

10 June 08
Date